IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 15TH NOVEMBER 2007 / 24TH KARTHIKA 1929

WP(C).No. 33769 of 2007(T)

OS.264/2003 of ADDL.SUB COURT, PALAKKAD
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PETITIONER:

P.D.VARGHESE, AGED 50 YEARS,
S/O.DEVASSY, PAROKKARAN HOUSE,
KALLINGALPADAM, KANNAMBRA, PANNIYANKARA POST,
ALATHUR TALUK, PALAKKAD.

BY ADV. SRI.P.R.VENKETESH

RESPONDENTS:

A.A.SUKOOR, AGED 40 YEARS,
S/O.ATTAR RAWTHER, COURT ROAD,
KATTUSSERY AMSOM, ALATHUR TALUK,
PALAKKAD.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J

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W.P.(C) No.33769 OF 2007

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Dated this the 15th day of November 2007

JUDGMENT

This writ petition is filed for a direction to the Sub Court, Palakkad to dispose of I.A.No.2093 of 2007 in O.S.No.264 of 2003 and also to remove the suit from the list. It is the defendant who has moved this writ petition before the court. The suit is one for realisation of money wherein the defendant disputes his signature. He had filed I.A.No.2093/2007 on 20.8.2007 with a prayer to send the disputed document for comparison of signature by a handwriting expert. It is submitted that it was posted for counter on 4.9.2007. Thereafter when the matter was included in the provisional list a memo was filed on 15.10.2007 to remove the suit from the list. The said application also stands posted to 24.11.2007. The decision of the court in the suit depends upon the validity or genuineness of the document which is challenged by the defendant in the case.

Therefore, it is rather rudimentary to dispose of the interim application I.A.No.2093/2007 pending before the court before proceeding with the trial of the suit. Therefore, I direct the Addl.Sub Court, Palakkad to

dispose of I.A.No.2093/2007 and thereafter proceed with the matter in accordance with law. The court may give breathing time for getting ready for trial after disposal of the interim application.

Writ petition is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-